

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER LEE COLE,

Petitioner,

No. CIV S-08-1686 GGH P

vs.

D.K. SISTO, et al.,

Respondents.

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The application attacks a conviction issued by the Los Angeles County Superior Court. While both this Court and the United States District Court in the district where petitioner was convicted have jurisdiction, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484 (1973), any and all witnesses and evidence necessary for the resolution of petitioner's application are more readily available in Los Angeles County. Id. at 499 n.15; 28 U.S.C. § 2241(d).¹

¹ On February 4, 2008, petitioner filed a habeas corpus petition which was assigned case number CIV S-08-0257 MCE GGH P. On February 21, 2008, petitioner filed an amended petition in CIV S-08-0257. On April 25, 2008, the court screened the amended petition and ordered it dismissed with leave to amend. On May 27, 2008, petitioner filed a pleading in CIV S-08-0257 MCE GGH P stating that the original petition challenged the legality of his conviction whereas the amended petition challenged parole proceedings. Petitioner stated that he intended to file two

1 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this
2 matter is transferred to the United States District Court for the Central District of California.

3 DATED: 08/14/08

4 /s/ Gregory G. Hollows

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UNITED STATES MAGISTRATE JUDGE

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separate actions. Accordingly, on July 22, 2008, in CIV S-08-0257 this court directed the Clerk of
26 the Court to copy the original petition filed in CIV S-08-0257 and open it as a new action. That new
action is the instant action.